

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
CIVIL ACTION NO. 3:17-CV-00248-GCM**

|                    |   |                     |
|--------------------|---|---------------------|
| WARREN HOWARD,     | ) |                     |
|                    | ) |                     |
| <b>Plaintiffs,</b> | ) |                     |
|                    | ) |                     |
| v.                 | ) | <b><u>ORDER</u></b> |
|                    | ) |                     |
| MELISSA MCFARLAND  | ) |                     |
| CHRIS MCFARLAND    | ) |                     |
| JOSH CRUMPLER,     | ) |                     |
|                    | ) |                     |
| <b>Defendants.</b> | ) |                     |
|                    | ) |                     |

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**THIS MATTER** is before the Court upon the Defendants' Motion to Dismiss (Doc. No. 4) and Memorandum in Support (Doc. No. 5).

It appears that Defendant may be entitled to dismissal of this appeal as a matter of law. In furtherance of the principles set forth in *Roseboro v. Garrison*, 528 F.2d 309 (4th Cir. 1975),<sup>1</sup> the Court advises the Plaintiff, who is proceeding *pro se*, of his obligation to respond to the Motion. Therefore, the Plaintiff is directed to file a response as described below:

**TO THE PLAINTIFF, WARREN HOWARD, READ THE FOLLOWING VERY CAREFULLY:**

You may file a brief written argument opposing the Defendant's Motion to Dismiss on or before June 22, 2017.

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<sup>1</sup> The specific language of *Roseboro* addressed the responsive burden for a *pro se* party in the context of a motion for summary judgment, but the Court, out of an abundance of caution, provides Plaintiffs with a similar notice regarding motions to dismiss.

You are hereby advised that you have until June 22, 2017 in which to file your response to the Motion to Dismiss. If you fail to respond to the motion, the Court will proceed to decide the matter. A copy of the response must be served on the opposite party and a certificate of service must be filed with the Court showing that a copy has been sent to counsel for the opposite party.

**IT IS THEREFORE ORDERED** that Plaintiff may respond to the Motion to Dismiss (Doc. No. 4) **on or before June 22, 2017. Failure to file a timely response may lead to the dismissal of Plaintiff's case without further notice.**

The Clerk is directed to send a copy of this NOTICE and ORDER to Plaintiff's address of record.

**SO ORDERED.**

Signed: June 8, 2017



Graham C. Mullen  
United States District Judge

